

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

JAMES ROLLER and RUTH ROLLER,)
))
 Plaintiffs,))
))
v.) No. 09-0262-CV-W-FJG
))
AMERICAN MODERN HOME))
INSURANCE COMPANY,))
))
 Defendant.))

ORDER

Before the Court are (1) plaintiffs' Motion to Remand (Doc. No. 6, filed on April 7, 2009), and (2) the parties' Stipulation of Damages (Doc. No. 8, filed on April 20, 2009). This matter was removed based on defendant's assertion that diversity jurisdiction pursuant to 28 U.S.C. § 1332 exists, as the matter is between citizens of different states and the amount in controversy exceeds \$75,000.00. In plaintiffs' motion to remand and suggestions in support thereof (Doc. Nos. 6 and 7), plaintiff indicates that this Court does not have diversity jurisdiction as the amount in controversy does not exceed \$75,000.00. In the parties' recently-filed stipulation of damages (Doc. No. 8), plaintiffs and defendant have entered into a joint stipulation that plaintiffs' total damages in this matter are less than \$75,000.00, and that the stipulation is binding on the plaintiffs in any state court upon a remand by this Court.

Accordingly, this Court finds that diversity jurisdiction does not exist in this matter as the amount in controversy is less than \$75,000.00. Therefore, plaintiffs' Motion to Remand (Doc. No. 6) is **GRANTED**. This case is remanded to the Circuit Court of Clay

County, Missouri, and all further proceedings shall occur in that court. The Clerk of the Court is directed to mail a certified copy of this Order to the Clerk of the Circuit Court of Clay County, Missouri as required by 28 U.S.C. § 1447(c).

IT IS SO ORDERED.

Date: 04/27/09
Kansas City, Missouri

S/ FERNANDO J. GAITAN, JR.
Fernando J. Gaitan, Jr.
Chief United States District Judge